THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8894 OF 2003

31st JULY, 2006

BETWEEN

Chintalapudi Veera Nageswara Rao and another

… Petitioner

vs.

The State of Andhra Pradesh rep.by its Secretary to Government, Revenue Department, Secretariat Buildings, Secretariat, Hyderabad and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8894 OF 2003

ORDER:

The petitioner filed the instant writ petition aggrieved by public auction notice issued by the second respondent proposing to conduct public auction on 07.05.2003 in respect of various extents of lands including the land admeasuring Acs.0.18 guntas in survey No.239 situated at Chandanagar village of Serilingampally Mandal in Ranga Reddy District. It is the case of the petitioners that first petitioner and the second petitioner purchased an extent of 415 square yards and 468 square yards under registered sale deeds from A.Sambaiah and have been in possession of the lands as original owners. When the auction notice was issued claiming the land in survey No.239 is Government land, the petitioners filed the present writ petition contending that the respondents cannot auction the private property.

The third respondent has filed a counter affidavit along with the application for vacating the interim order, dated 06.05.2003, granted by

this Court in W.P.M.P.No.11431 of 2003. In the counter affidavit, the third respondent states that as per the Revenue Records for the year 2000-2001, land in survey No.239 admeasuring Acs.0.18 guntas in Chandanagar village is classified as 'Kariz Katha' and that Sambaiah or any third party has no right to claim the property or alienate the property in favour of the petitioners. The auction notice issued by second respondent is justified by making reference to the orders in G.O.Ms.No.293, dated 31.05.2002, whereby and whereunder, the District Collector was authorized to sell the land.

The matter was heard on 27.07.2006. It is brought to the notice of this Court by the learned counsel for the petitioners that on a representation made by the petitioners to the Hon'ble Chief Minister, the Office of the Chief Minister has directed the second respondent to examine the application of the petitioners for permission to construct in plots in survey No.239. But, the same was not disposed of. However, when the mater was called on 28.07.2006, learned Assistant Government Pleader placed before this Court the communication from the Deputy Collector and Mandal Revenue Officer, Serilingampally, addressed to second respondent rejecting the request of the petitioners for grant of permission to raise constructions on the land allegedly belong to the Government. Having regard to this, learned counsel for the petitioners made only request to give liberty to the petitioners to approach the District Collector seeking regularization/alienation of the land in their favour. There cannot be any objection for making such an application. As and when the petitioners made an application, the second respondent may consider the same in accordance with law and Board Standing Orders and pass appropriate orders within a period of eight weeks from the date of receiving the application from the petitioners.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

31.07.2006
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